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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN JOHN SARGISSON,

Defendant.

CASE NO. 2:21-MJ-173-CKD

STIPULATION FOR EXTENSION OF TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(d) AND EXCLUSION OF TIME

DATE: December 21, 2021
TIME: 2:00 p.m.
COURT: Hon. Jeremy D. Peterson

Plaintiff United States of America, by and through its attorney of record, Assistant United States Attorney James R. Conolly, and defendant Benjamin John Sargisson, both individually and by and through his counsel of record, Ron Peters, hereby stipulate as follows:

1. The Complaint in this case was filed on November 12, 2021, and defendant first appeared before a judicial officer of the Court in which the charges in this case were pending on December 9, 2021. The court set a preliminary hearing date of December 21, 2021, and ordered Mr. Sargisson released on pretrial supervision.

2. Mr. Sargisson is out of custody currently.

3. By this stipulation, the parties now jointly move for an extension of time of the preliminary hearing date to January 6, 2022, at 2:00 p.m., before the duty Magistrate Judge, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure. The parties stipulate that the delay is required to allow the defense reasonable time for preparation, and for the government's continuing investigation of

1 the case. The government anticipates that discovery in this case will be extensive.

2 4. Adding to length of time taken to prepare, the Court and the government suffered a loss
3 of electrical power on December 14, 2021, when a fire destroyed the electrical transformer that serves
4 the federal courthouse. This led to a shutdown of all Court business for three days, including grand jury
5 operations, and impaired the government's ability to access the servers required to process discovery.

6 5. As a result of the foregoing, the parties further agree that the interests of justice served by
7 granting this continuance outweigh the best interests of the public and the defendant in a speedy trial.
8 18 U.S.C. § 3161(h)(7)(A).

9 6. The parties agree that good cause exists for the extension of time, and that the modest
10 extension of time would not adversely affect the public interest in the prompt disposition of criminal
11 cases. Therefore, the parties request that the time between December 21, 2021, and January 6, 2022, be
12 excluded pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), Local Code T-4.

13 IT IS SO STIPULATED.

14 Dated: December 20, 2021

PHILLIP A. TALBERT
Acting United States Attorney

16
17 /s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney

19 Dated: December 20, 2021

20 /s/ RON PETERS
RON PETERS
Assistant Federal Defender
Counsel for Defendant
22 BENJAMIN JOHN SARGISSON

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v.

BENJAMIN JOHN SARGISSON,

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CASE NO. 2:21-MJ-173-CKD

~~PROPOSED~~ ORDER EXTENDING TIME FOR
PRELIMINARY HEARING PURSUANT TO RULE
5.1(d) AND EXCLUDING TIME

DATE: December 21, 2021
TIME: 2:00 p.m.
COURT: Hon. Jeremy D. Peterson

The Court has read and considered the Stipulation for Extension of Time for Preliminary Hearing Pursuant to Rule 5.1(d) and Exclusion of Time, filed by the parties in this matter on December 20, 2021. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates good cause for an extension of time for the preliminary hearing date pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure.

Furthermore, for the reasons set forth in the parties' stipulation, the Court finds that the interests of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court further finds that the extension of time would not adversely affect the public interest in the prompt disposition of criminal cases.

THEREFORE, FOR GOOD CAUSE SHOWN:

1. The date of the preliminary hearing is extended to January 6, 2022, at 2:00 p.m.

2. The time between December 21, 2021, and January 6, 2022, shall be excluded from calculation pursuant to 18 U.S.C. § 3161(h)(7)(A).

3. Defendants shall appear at that date and time before the Magistrate Judge on duty.

Date: December 21, 2021


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE